

ELLEN F. ROSENBLUM
Attorney General
SHANNON M. VINCENT #054700
Senior Assistant Attorney General
KENNETH C. CROWLEY #883554
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 947-4700
Fax: (503) 947-4791
Email: Shannon.M.Vincent@doj.state.or.us
Kenneth.C.Crowley@doj.state.or.us

Attorneys for Defendant Jerry Plante

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK WILSON,

Plaintiff,

v.

JERRY PLANTE, RONNIE FOSS, CRAIG
PRINS, JOSH HIGHBERGER, MELISSA
NOFZIGER, and JOHN DOES 1-10,

Defendants.

Case No. 6:21-cv-01606-SI

DECLARATION OF KENNETH C.
CROWLEY IN SUPPORT OF UNOPPOSED
MOTION TO EXTEND TIME FOR
DEFENDANT JERRY PLANTE'S
RESPONSE TO PLAINTIFF'S FIRST
AMENDED COMPLAINT

I, Kenneth C. Crowley, hereby declare:

1. I am an attorney licensed to practice law in the State of Oregon and am the Attorney in Charge of the Civil Litigation Section of Oregon Department of Justice's Trial Division.
2. I am one of the attorneys representing the defendants in the above-captioned case.
3. On December 10, 2021, plaintiff filed his First Amended Complaint in this case.

4. Defendant Jerry Plante's response is currently due no later than **December 27, 2021**.

5. I have not yet had an opportunity to meaningfully review plaintiff's First Amended Complaint due to intervening work on other cases, and my co-counsel on this case has limited availability due to a family medical emergency.

6. Additionally, our office is still processing the necessary paperwork to waive service on behalf of the four individuals added as defendants to plaintiff's First Amended Complaint, which must be done before we can enter any appearance for them.

7. Accordingly, Defendant Jerry Plante is requesting a 30-day extension of time, through **January 26, 2022**, within which to respond to plaintiffs' First Amended Complaint.

8. I conferred with plaintiff's counsel before filing this motion, and they do not object to this motion. A true and correct copy of my email exchange with plaintiff's counsel is attached to this declaration as Exhibit 1.

9. This is Defendant Jerry Plante's first request to extend this deadline.

10. This request is made in good faith and not for the purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on December 22, 2021.

/s Kenneth C. Crowley
KENNETH C. CROWLEY

Vincent Shannon M

From: Juan Chavez <jchavez@ojrc.info>
Sent: Wednesday, December 22, 2021 10:02 AM
To: Crowley Kenneth C
Cc: Vincent Shannon M; Franz Bruggemeier; Jonny Gersten
Subject: Re: Wilson v. Plante, et al. - Mo for Extension of Time to Respond to Am. Complaint

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. ***CAUTION EXTERNAL EMAIL***

Hi Ken,

Okay, as long as I have your assurance we can get discovery going, I can withdraw my objection.

-Juan

Sent from a mobile device—please pardon any typos.

From: Crowley Kenneth C <kenneth.c.crowley@doj.state.or.us>
Sent: Wednesday, December 22, 2021 9:39:16 AM
To: Juan Chavez <jchavez@ojrc.info>
Cc: Vincent Shannon M <shannon.m.vincent@doj.state.or.us>
Subject: RE: Wilson v. Plante, et al. - Mo for Extension of Time to Respond to Am. Complaint

Juan, this is not an unreasonable request. As you know Mr. Wilson is scheduled to be release from DSU on the 28th. In addition, I've already told you we are agreeable to moving this case forward with discovery. But, I'm out of the office for two weeks, and therefore we need 30 days for our response. 14 days will do us no good.

As a matter of professional courtesy, I ask you again, please advise if you will agree to the requested 30-day extension. Thank you,

Kenneth C. Crowley
Oregon Department of Justice
503.947.4700

From: Juan Chavez <jchavez@ojrc.info>
Sent: Wednesday, December 22, 2021 9:19 AM
To: Crowley Kenneth C <kenneth.c.crowley@doj.state.or.us>
Cc: Vincent Shannon M <shannon.m.vincent@doj.state.or.us>; Jonny Gersten <jgersten@ojrc.info>; Franz Bruggemeier <fbruggemeier@ojrc.info>
Subject: Re: Wilson v. Plante, et al. - Mo for Extension of Time to Respond to Am. Complaint

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. ***CAUTION EXTERNAL EMAIL***

Hi Kenneth,

In most circumstances we wouldn't have trouble not objecting to 30 days, but Mr. Wilson is actively suffering in confinement right now, and the State has previously argued to the Court that our supposed delay should deny him relief from that. That said, if we could have a response from the State in a manner that would allow for discovery to be produced to us by mid- to late-February, and we can set depositions for March, we can be amendable. We would not object to a 14 day extension on an answer, or to some other agreement that allows for the above discovery schedule to be set.

While I'm most out right now, I can reply by email today. Thank you for your holiday well wishes. I wish the same for you and your family.

Best,
Juan

Sent from a mobile device—please pardon any typos.

From: Crowley Kenneth C <kenneth.c.crowley@doj.state.or.us>
Sent: Wednesday, December 22, 2021 9:06:35 AM
To: Juan Chavez <ichavez@ojrc.info>
Cc: Vincent Shannon M <shannon.m.vincent@doj.state.or.us>
Subject: Wilson v. Plante, et al. - Mo for Extension of Time to Respond to Am. Complaint

Good Morning Juan, this email follows up my phone message this morning, as well as our prior conversations about the anticipated time needed to respond to the Amended Complaint.

As expected, due to the volume of file material in need of review, other caseload demands, and my planned time out over the holidays, we will need additional time to complete our response to the amended complaint in this matter. As previously mentioned, realistically, we will need 30 days to complete our review and response. I understood from our prior conversation that you would be cooperative with our request for extension under the circumstances. But, please confirm that you have no objection.

We are preparing the motion for extension of time today for filing. If you have any questions or concerns, please give me a call to confer, otherwise an email confirmation is fine.

Happy Holidays to you and your family!

Kenneth C. Crowley
Attorney in Charge | Civil Litigation | Trial Division
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096
503.947.4700

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the

message and any attachments from your system.
